

Message Text

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PAGE 01 COPENH 00098 131656Z

47 42

ACTION SCSE-00

INFO OCT-01 EUR-12 ISO-00 PPTE-00 SCA-01 L-02 VOE-00

INSE-00 DODE-00 /016 W

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R 131530Z JAN 75

FM AMEMBASSY COPENHAGEN

TO SECSTATE WASHDC 263

INFO CDR USAERC FT BENJAMINE HARRISON INDIANA

UNCLAS COPENHAGEN 0098

E.O. 11652 N/A

TAGS: CGEN CVIS CASC CPAS PFOR MILI SW DA

(ORR, ROBERT)

SUBJECT: SUBJECT CLEMENCY ROBERT ORR

REF: (A) STATE 204055 (B) CDR USAERC

NO 0404 2801653 (C) STATE 268363

(NOTAL) (D) STATE 278191(NOTAL

(E) COPENHAGEN 0002(NOTAL) (F) STATE 004132(NOTAL)

1. ACCORDING TO REFTEL B PARA 1 ROBERT ORR WAS DISCHARGED IN ABSENTIA ACCORDING TO SECTION III, CHAPTER 15, AR 635-200. THAT SECTION ALLOWS FOR DISCHARGE OF AN ALIEN REPEAT ALIEN IN A STATUS OF DESERTION. MR ORR'S CONTENTION IS THAT HE WAS NOT AT THATTIME AN ALIEN. AND HAS IN FACT BEEN AN AMERICAN CITIZEN SINCE MARCH 4,1964. THE DATE OF HIS PARENTS NATURALIZATION. DEPARTMENT OF STATE APPROVAL OF MR ORR'S CITIZENSHIP CLAIM WAS REQUESTED BY MR ORR ON FORM FS176, WHICH HE EXECUTED AT THIS EMBASSY ON OCTOBER 31,1974.

2. MR ORR ADVISES THATHE HAS WRITTEN (PER REFTEL B,PARA 2) TO THE PRESIDENTIAL CLEMENCY BOARD, OLD EXECUTIVE OFFICE BLDG, THE WHITE HOUSE WASHDC FOR A REVIEW OF HIS CASE. MR ORR UNCLASSIFIED

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AS WELL AS EMBASSY, ASSUMED THAT THIS REVIEW WOULD

INCLUDE IN CONJUNCTION WITH HIS APPLICATION FOR
REGISTRATION AS A US CITIZEN A REVIEW OF THE
DISCHARGE DETERMINATION (PARA 1 REFTEL B)

3. MR ORR HAS ALSO BEEN IN CONTACT WITH DCR
USAERC FT BENJAMIN HARRISON EXPRESSING HIS DESIRE
TO PARTICIPATE IN CLEMENCY PROGRAM

4. ACCORDING TO APPLICABLE REGULATIONS THIS EMBASSY
MAY NOT PROCESS AN APPLICATION FOR A NON IMMIGRANT
VISA (WHICH IN THIS CASE WOULD INCLUDE AN APPLICATION
TO INS FOR WAIVER OF SECTION 212(A)(22) SEE PARA 3
REFTEL D) WHERE THE APPLICANT HAS AN OUTSTANDING
AND UNRESOLVED CLAIM TO AMERICAN CITIZENSHIP.
AND IN ADDITION PARA 2 REFTEL D COULD RENDER THIS
POINT MOOT IN MR ORR'S CASE BECAUSE IT IS THERE
STATED THAT AN ALIEN REPEAT ALIEN MILITARY
ABSENTEE IS NOT ELIGIBLE TO PARTICIPATE IN THE
CLEMENCY PROGRAM UNLESS HE IS PHYSICALLY PRESENT
IN THE US BEFORE JANUARY 31, 1975. THUS IF THIS
APPLICATION FOR REGISTRATION AS AN AMERICAN CITIZEN
SHOULD BE DISAPPROVED AFTER JANUARY 31, HE WOULD
BE EXCLUDED FROM THE CLEMENCY PROGRAM THROUGH
NO CHOICE OF HIS OWN. IT IS FOR THESE REASONS THAT
THE EMBASSY REQUESTED THE EARLIEST
POSSIBLE REPLY TO HIS APPLICATION FOR REGISTRATION.

5. IN ORDER NOT TO JEOPARDIZE MR ORR'S DESIRE TO
PARTICIPATE IN THE CLEMENCY PROGRAM EMBASSY WILL
ADVISE HIM TO REQUEST A SUBSEQUENT REPORTING DATE
PER PARA 1, REF TEL C, EVEN THOUGH HE MAY NOT BE
A US CITIZEN MILITARY ABSENTEE. DEPARTMENT
REQUESTED TO FORWARD TEXT OF OATH OF
ALLEGIANCE AND OF AGREEMENT PLEDGING
TO PERFORM ALTERNATE SERVICE (ALSO PARA 1 REFTEL
C) IF IT IS POSSIBLE FOR MR ORR TO EXECUTE THOSE
DOCUMENTS BEFORE CONOFF COPENHAGEN. DUNNIGAN

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